JUSTIFICATION FOR OTHER THAN FULL AND OPEN COMPETITION

1. Contracting Activity: Department of Veterans Affairs (VA)
                                Office of Acquisition Operations
                                Technology Acquisition Center
                                23 Christopher Way
                                Eatontown, New Jersey 07724

2. Description of Action: The proposed action is for a sole source, firm-fixed-price purchase order for brand name Feith software maintenance support and upgrades with Feith Systems and Software, Inc. (Feith Systems), 425 Maryland Drive, Fort Washington, Pennsylvania (PA), 19034-2501.

3. Description of Supplies or Services: VA, Office of Information and Technology (OI&T), Service Delivery and Engineering (SDE), Enterprise Operations (EO) intends to procure brand name Feith Systems and Software, Inc. (Feith Systems) software maintenance support and upgrades. This maintenance and upgrades will allow VA SDE, EO to receive software updates and upgrades to include major releases, point releases, service releases and security releases of applicable software on a quarterly basis, and/or within 48 hours in cases in which a high risk vulnerability fix becomes available. This software support maintenance is necessary for SDE EO to be able to provide operational and successful support systems for the VA National Cemetery Administration. The period of performance for this effort is for a 12-month base period from October 01, 2016 through September 30, 2017 and two 12-month option periods. The total estimated value of the proposed action is $462,982.00, inclusive of option periods.

4. Statutory Authority: The statutory authority permitting other than full and open competition is 41 U.S.C.3304(a)(1) as implemented by the Federal Acquisition Regulation (FAR) 6.302-1 entitled, "Only One Responsible Source and No Other Supplies or Services Will Satisfy Agency Requirements".

5. Rationale Supporting Use of Authority Cited: The proposed source for this action is Feith Systems and Software, Inc., 425 Maryland Drive, Fort Washington, PA 19034-2501. VA, EO currently owns and maintains the Feith Systems software applications. Feith is a proprietary software system that provides document-image depository capability. This system has been integrated into the current EO infrastructure, and it is used to store documents that are faxed into the National Cemetery Administration (NCA) for Memorial Benefits and other NCA programs. EO requires support compatible with the existing infrastructure protocols and functionality for continued operational availability. This software is peculiar to Feith Systems and only Feith Systems can provide the necessary software support maintenance because of the propriety source code required to develop and implement software updates. No other source is capable of providing the required software support maintenance that meets VA's unique functional requirements. In addition, a prior implementation of Feith Systems software licenses already exists in

EO. Acquisition of a different product, even if another one existed with qualifications that met EO's stated functional needs, would require multiple support costs if the Feith Systems software licenses were abandoned in favor of a different product. EO would need to re-purchase the initial software licenses previously purchased. No other license is compatible with or interoperable with the existing Feith Systems proprietary database structures, protocols, and software application programming interfaces. Therefore, only Feith Systems brand name software support maintenance can meet the Government's requirements.

6. Efforts to Obtain Competition: Market research was conducted, details of which are in the market research section of this document. This effort did not yield any additional sources that can meet the Government's requirements. There is no competition anticipated for this acquisition.   The proposed action will be synopsized on the Federal Business Opportunities (FBO) page in accordance with FAR 5.201.

7. Actions to Increase Competition: The Government will continue to conduct market research to ascertain if there are changes in the marketplace that would enable future actions to be competed.

8. Market Research: The Government's technical experts conducted market research during June 2016 and at present there is no other software available in the market place with the same functionality that can readily integrate with the data center's infrastructure to replace the Feith Systems software currently in use. Although similar software products such as OpenText and Statistica possess similar capabilities to provide the required software support maintenance, only Feith has access to the proprietary source code, existing proprietary database structures, protocols, and software application programming interfaces specific to the software support maintenance for this particular software. Without access to the proprietary source code, existing proprietary database structures, protocols, and software application programming interfaces, software support maintenance and any updates or upgrades cannot be installed, which could result in the data center infrastructure functioning with an outdated and/or unsupportable software version. This would provide less functionality to the end users or system failure. VA networking Subject Matter Experts regularly review industry trade publications and conduct internet research to ascertain if any other software maintenance and upgrades are available for the proprietary Feith Systems software. Based on all of these market research efforts, the Government's technical experts have determined that only the aforementioned Feith Systems brand name software support maintenance can meet all of the Government's needs.

Additional market research was conducted by Government representatives in June 2016 by utilizing the Product Lookup Tool on the National Aeronautics and Space Administration's (NASA) Solutions for Enterprise Wide Procurement (SEWP) V Governmentwide Acquisition Contract (GWAC)

website which yielded no results.   Additionally, during June 2016, market research was conducted on the General Services Administration (GSA) Federal Supply Schedule (FSS) 70 for resellers of Feith Systems products and maintenance services utilizing GSA eLibrary Search Tool. Feith Systems was found to be a FSS 70 contract holder. However, it was found that the specific software support maintenance being procured under this requirement is not currently available on its GSA FSS 70. In addition, the Vendor Information Pages was searched for the required Feith software support maintenance which yielded no results. Furthermore, a Request for Information was posted to the FBO page on 7/12/2016 to determine if any other sources were available. No responses were received. As a result, the Contract Specialist contacted Feith Systems directly and it was confirmed that Feith Systems was the sole provider of Feith Systems software support maintenance under this requirement; therefore, resulting in affirmation that the software support maintenance must be procured directly from Feith Systems, which has been documented via letter correspondence.

9. Other Facts: N/A